

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) CASE NO. 8:08CR316
)
Plaintiff,)
)
vs.) ORDER
)
SIMAIRA ANDERSON,)
)
Defendant.)

This matter is before the Court on the following motions: the Defendant's pro se motions to reduce sentence (Filing No. 58) and to proceed in forma pauperis (Filing No. 59); and the motion to withdraw filed by David R. Stickman, on behalf of the Office of the Federal Public Defender for the District of Nebraska (Filing No. 63).

On February 2, 2009, the Defendant was sentenced to 60 months imprisonment after pleading guilty to Count I of the Indictment charging her with distributing more than 5 grams of a mixture or substance containing cocaine base. The charge carries a statutory range of 5 to 40 years imprisonment. In light of the 5-year mandatory minimum sentence, the Defendant is not entitled to a reduction in sentence despite the 2011 changes to the crack cocaine sentencing guidelines.

IT IS ORDERED:

1. The Defendant's motion to reduce sentence (Filing No. 58) is denied;
2. The Defendant's motion to proceed in forma pauperis (Filing No. 59) is denied as moot;
3. The motion to withdraw filed by David R. Stickman, on behalf of the Office of the Federal Public Defender for the District of Nebraska (Filing No. 63) is granted; and

4. The Clerk is directed to mail a copy of this Order to the Defendant at her last known address.

DATED this 29th day of November, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge